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Attorney for Plaintiff and Counter-defendant  
 PROTECH DIAMOND TOOLS  
 INCORPORATION

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

PROTECH DIAMOND TOOLS  
 INCORPORATION, a California Corporation, )

Case No.: C 08-3684 SBA

Plaintiff,

vs.

DAVID LIAO, an individual, PROTECH  
 DIAMOND TOOLS INC., a Canadian  
 Corporation, and PROTECH DIAMOND  
 USA, INC., a California Corporation, and  
 DOES 1-10,

Defendants.

**STIPULATION AND ORDER FOR  
 EXTENDING TIME FOR PLAINTIFF  
 AND COUNTERDEFENDANTS TO  
 RESPOND TO COUNTERCLAIMANTS'  
 COUNTERCLAIM; AND EXTENDING  
 INITIAL CASE MANAGEMENT  
 CONFERENCE AND ADR DEADLINES  
 [Fed. R. Civ. P. 6(b)]**

PROTECH DIAMOND TOOLS, INC., a  
 Canadian Corporation; PROTECH  
 DIAMOND, INC., an Oregon Corporation and  
 PROTECH DIAMOND USA, INC., a  
 California Corporation,

Counterclaimants,

vs.

PROTECH DIAMOND TOOLS INC., a  
 California Corporation; and DENNIES  
 CHUNG, an individual,

Counter-defendants.

IT IS STIPULATED and respectfully requested by Plaintiff and Counter-defendant  
 Protech Diamond Tools Incorporation ("Counter-defendant") and Counterclaimants Protech  
 Diamond Tools, Inc., Protech Diamond, Inc. and Protech Diamond USA, Inc.  
 ("Counterclaimants"), through their respective counsel, as follows:

**STIPULATION AND [PROPOSED] ORDER  
 EXTENDING TIME FOR COUNTERDEFENDANT  
 TO RESPOND TO COUNTERCLAIM; AND EXTENDING  
 CMC AND ADR DEADLINES**

**I. COUNTERDEFENDANTS' TIME TO ANSWER**

The parties stipulate and respectfully request that the time within which Counter-defendant may respond to the Counterclaim filed by Counterclaimants on December 1, 2008 will be extended by this Court from December 21, 2008 to January 20, 2009 or such date as this Court may order.

Counter-defendant believes that good cause exists for this Court to order an extension of time for it to respond to the Counterclaim because Ms. Dennies Chung, the principal of Plaintiff as well as the second named Counter-defendant, has been out of the country and is not expected to return until past the deadline for filing a response to the Counterclaim. Because Ms. Chung is the principal of Plaintiff, her input is required to adequately prepare and respond to Counterclaimants' Counterclaim. Also, Ms. Chung will shortly be served as a second named Counter-defendant in this action; Counter-defendant's counsel agreed to accept service on her behalf and also agreed that Ms. Chung will respond at the same time that Counter-defendant responds to the Counterclaims.

**II. CASE MANAGEMENT AND ALTERNATIVE DISPUTE RESOLUTION DEADLINES**

The parties further stipulate and respectfully request that this Court also extend by thirty (30) days, or as soon thereafter as the Court deems convenient, the initial case management and alternative dispute resolution deadlines as set forth in this Court's Order dated September 15, 2008 and the docket text entered September 16, 2008 as follows:

1. Last day to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; file joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone conference is extended to February 12, 2009;

2. Last day to complete initial disclosures or state objection in Rule 26(f) Report, file Case Management Statement and file/serve Rule 26(f) Report is extended to February 26, 2009; and

3. Case Management Conference (CMC) in Courtroom 3, 3rd Floor, Oakland at 2:30 p.m., via telephone, is extended to March 6, 2009.

**STIPULATION AND [PROPOSED] ORDER  
EXTENDING TIME FOR COUNTERDEFENDANT  
TO RESPOND TO COUNTERCLAIM; AND EXTENDING  
CMC AND ADR DEADLINES**

The parties believe good cause exists for the extension of the case management and alternative dispute resolution deadlines because the time for Counter-defendant to respond to the Counterclaim is set after the first deadline to meet and confer regarding initial disclosures and to file the alternative dispute resolution certification, which are currently set for January 13, 2009. This date is well prior all the named Counter-defendants having made their appearances. Accordingly, the disclosure of information as required by the Federal Rules of Civil Procedure and this Court's Local Rules cannot meaningfully be exchanged and discussed until all parties are before this Court.

DATED: \_\_\_\_\_ Respectfully Submitted,  
LAW OFFICE OF ANNE HIARING

By: \_\_\_\_\_  
Anne Hiaring Hocking, Esq.  
Attorney for Plaintiff and  
Counter-defendant

STIPULATED TO:

DATED: \_\_\_\_\_ QUINTANA LAW GROUP, APC

By: \_\_\_\_\_  
Andres F. Quintana, Esq.  
John M. Houkom, Esq.  
Attorneys for Defendant David  
Liao and Defendants and  
Counterclaimants Protech  
Diamond Tools Inc., Protech  
Diamond USA, Inc. and  
Counterclaimant Protech  
Diamond, Inc.

ACCORDINGLY:

1. The last day to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; file joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone conference is extended to February 12, 2009;


**STIPULATION AND [PROPOSED] ORDER  
EXTENDING TIME FOR COUNTERDEFENDANT  
TO RESPOND TO COUNTERCLAIM; AND EXTENDING  
CMC AND ADR DEADLINES**

2. The last day to complete initial disclosures or state objection in Rule 26(f) Report, file Case Management Statement and file/serve Rule 26(f) Report is extended to March 1, 2009; and

3. The Case Management Conference scheduled for February 4, 2009, at 2:30 p.m, see Docket entry dated 9/16/2008, shall be CONTINUED to March 11, 2009 at 2:30 p.m. The parties shall **meet and confer** prior to the conference and shall prepare a joint Case Management Conference Statement which shall be filed no later than ten (10) days prior to the Case Management Conference that complies with the Standing Order for all Judges of the Northern District of California and the Standing Order of this Court. Plaintiff(s) shall be responsible for filing the statement as well as for arranging the conference call. All parties shall be on the line and shall call (510) 637-3559 at the above indicated date and time.

IT IS SO ORDERED

DATED: 12/18/08

By:   
HON. SAUNDRA B. ARMSTRONG  
United States District Court Judge